

In The Matter Of:

Jason Jordan, et al.

vs.

Premier Entertainment Biloxi, et al.

Jason Strong

April 2, 2014

MERRILL CORPORATION

Legalink, Inc.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JASON JORDAN; ALYSSA JORDAN,
INDIVIDUALLY AND ON BEHALF OF
THE ESTATE OF UNBORN BABY JORDAN,
DECEASED AND ON BEHALF OF ALL OF
THE HEIRS AT LAW AND WRONGFUL DEATH
BENEFICIARIES OF UNBORN BABY JORDAN,
DECEASED; AND CHRISTOPHER SOUKUP PLAINTIFFS

VS. CIVIL ACTION NO. 1:13cv195 LG-JMR

PREMIER ENTERTAINMENT BILOXI, LLC d/b/a
HARD ROCK HOTEL & CASINO BILOXI; THE
CITY OF BILOXI, MISSISSIPPI; DOE
DEFENDANT ONE; JOSHUA HAMILTON, IN HIS
OFFICIAL AND INDIVIDUAL CAPACITIES;
DOE DEFENDANT THREE; DOE DEFENDANT
FOUR; DOE DEFENDANT FIVE AND DOE
DEFENDANTS 6-10 DEFENDANTS

DEPOSITION OF JASON STRONG

Taken at the offices of Page, Mannino,
Peresich & McDermott, 759 Howard Avenue,
Biloxi, Mississippi, on Wednesday, April
2, 2014, beginning at approximately
9:05 a.m.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Examination by:	Page
Mr. Bellinder	5
Ms. Steel	83
Mr. Clark	85
Mr. Bellinder	85
Stipulation	4
Certificate of Reporter	87
Witness Signature Sheet	88

EXHIBITS

Exhibit 1 - Victim Statement	55
Exhibit 2 - Five page report	68

STIPULATION

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys of record, that this deposition may be taken at the time and place hereinbefore set forth, by Janna White, C.S.R., Court Reporter and Notary Public, pursuant to the Federal Rules of Civil Procedure, as amended;

That the formality of READING AND SIGNING is specifically NOT WAIVED;

That all objections, except as to the form of the questions and the responsiveness of the answers, are reserved until such time as this deposition, or any part thereof, may be used or is sought to be used in evidence.

1 JASON STRONG,
2 having been duly sworn, was examined and
3 testified as follows:

4 BY MR. BELLINDER:

5 Q. Good morning, sir.

6 A. Good morning.

7 Q. My name is Thomas Bellinder. We met a
8 moment ago. I am the attorney of record for
9 Mr. and Mrs. Jordan, and Mr. Soukup in this
10 particular matter involving City of Biloxi police
11 officers and the Hard Rock Hotel and Casino.

12 MR. BELLINDER:

13 For the record, the deposition is being
14 taken pursuant to the Federal Rules of Civil
15 Procedure for all permissible uses thereunder.
16 Read and sign?

17 MR. STEWART:

18 Yes.

19 MR. BELLINDER:

20 For everybody today?

21 MR. STEWART:

22 Yes.

23 MR. BELLINDER:

24 Q. Mr. Strong, I'm going to be asking you
25 a few questions here today about some of the

1 incidents that took place there that night at the
2 casino and then some other sort of issues. I
3 don't like to call them rules. These are more so
4 guidelines to help you understand a little bit
5 about what we are doing. Have you ever given a
6 deposition before?

7 A. Yes.

8 Q. You kind of understand the process a
9 little bit?

10 A. Yes.

11 Q. Tell me about the previous depositions
12 that you've given.

13 A. To be honest with you, it's been
14 several years ago when I working at the IP. It
15 was involving a -- I think a lady stepped on a
16 piece of glass.

17 Q. Just one deposition you have given?

18 A. That's it.

19 Q. That was sort of in a what we call a
20 fact witness capacity. You were doing that to
21 tell -- in the context of a lawsuit, but to tell
22 about what you knew and what you had seen as it
23 related to that incident where the lady stepped on
24 the glass?

25 A. Right. It was just like this same

1 setting.

2 Q. Have you ever been a in a litigation
3 before? Have you ever been a plaintiff or a
4 defendant in a lawsuit or ever been a party to a
5 divorce or a bankruptcy or anything like that
6 before?

7 A. Yes.

8 Q. Okay. Tell us a little bit about your
9 experience with that.

10 A. Which one?

11 Q. Whichever applies. Have you ever been
12 divorced before?

13 A. Yes.

14 Q. Okay. How many times?

15 A. Once.

16 Q. What was your former spouse's name?

17 A. Rudellia, R-U-D-E-L-L-I-A, Valentina
18 Crank, C-R-A-N-K.

19 Q. Where was that proceeding? Was that
20 here in Harrison County?

21 A. It was actually in Leesville,
22 Louisiana.

23 Q. Have you remarried since her?

24 A. Yes.

25 Q. Okay. What's your -- and you're

1 currently married?

2 A. Yes.

3 Q. What is your spouse's name?

4 A. Suzanne Elizabeth Strong.

5 Q. Okay. Other civil type actions --
6 those are your only two marriages?

7 A. Yes.

8 Q. Other civil type actions that you've
9 been involved in? Any bankruptcies? Any
10 foreclosure type actions? Anything that involves
11 the --

12 A. I've had two bankruptcies.

13 Q. Okay. What years were those?

14 MR. STEWART:

15 Object to the relevance. You can
16 answer.

17 A. One was after my first divorce, and it
18 was probably in '93, '94.

19 MR. BELLINDER:

20 Q. And your second one?

21 A. Probably '05.

22 Q. Are you currently in any bankruptcy
23 proceeding?

24 A. No.

25 MR. STEWART:

1 Same objection.

2 MR. BELLINDER:

3 Q. The reason I ask, with some familiarity
4 with the process, you kind of understand where we
5 are at. So I will briefly hit the highlights of
6 what we call -- I don't even call them rules.
7 It's more guidelines. If you would, just answer
8 all of the questions today to the best of your
9 knowledge. Don't feel compelled to give a yes or
10 no answer if you don't know a yes or no to any
11 particular question. I don't know is a perfectly
12 fine answer in this setting.

13 The court reporter swore you in before
14 we got started, so naturally you're under oath to
15 tell the truth the same way you would be if we
16 were in court. If you will answer the questions
17 aloud, that will help her take a clean record. We
18 may get into a casual conversation setting where
19 uh-huh and huh-uh, and we may shake our heads. I
20 may understand completely what you're saying, but
21 she's got to take down a clear record that way if
22 we have to look back at this, we will be able to
23 fully understand what's being said.

24 Also to speed things up a little bit,
25 any time I ask you any specific question whether

1 it be a conversation you had with an individual,
2 policy, something you remember, it will always
3 call for your personal knowledge of that
4 particular subject matter area. Can't be
5 compelled to give testimony outside of what you
6 have personal knowledge of. Is that fair?

7 A. Right.

8 Q. Okay. We already got into some of your
9 background stuff. If you would, just state your
10 full name for us for the record.

11 A. Jason Frank Strong.

12 Q. Mr. Strong, what's your current
13 address?

14 A. 4809 Courthouse Road, Gulfport,
15 Mississippi 39507.

16 Q. How long have you lived there in
17 Gulfport?

18 A. It's going to be 13 years.

19 Q. Good deal. 13 years. How old are you?

20 A. Right now I'm 45.

21 Q. Born here in the United States?

22 A. Yes.

23 Q. Hit the -- hit the very brief
24 highlights of your educational background.

25 A. Educational background. I graduated

1 from Biloxi High School in 1986. I have some
2 criminal justice at Mississippi Gulf Coast
3 Community College that I haven't completed yet and
4 then prior army experience.

5 Q. Tell us about -- first tell us a little
6 bit about Gulf Coast. You say you had some study
7 in criminal justice that hadn't been completed?

8 A. Right.

9 Q. Credit hours, do you know about how
10 many credit hours you have?

11 A. I believe it's just three.

12 Q. And that's towards a -- I guess you
13 call it an associate's degree?

14 A. Right.

15 Q. It was just a general study. It wasn't
16 specific to any subject matter. You just
17 basically took a class in criminal justice?

18 A. It was intro.

19 Q. Military background. Tell us a little
20 bit about that.

21 A. Military background, I joined in 1987,
22 and I was out by November of '93. And that was in
23 reference to my first divorce. I gained custody
24 of my three daughters.

25 Q. Okay. Were you honorably discharged

1 from the military?

2 A. Yes, I was.

3 Q. Branch, did you say army?

4 A. Army.

5 Q. Do you -- you were honorably discharged
6 '93. Tell us, if you would -- now, before I move
7 on to that, any other education, training,
8 vocational or trade school, any other
9 post-graduate type education that you've been
10 through?

11 A. Other than things that I did in the
12 army. CPR. First Aid. AED.

13 Q. Tell us that again. AED?

14 A. Yes.

15 Q. What is that?

16 A. The automatic defibrillator.

17 Q. Okay. The -- call them shock panels?

18 A. Yes.

19 Q. Layman's knowledge of it?

20 A. Right. And then multiple classes along
21 the lines of customer service and those type
22 things in the casino industry.

23 Q. Okay. We will get to that in just one
24 second. Now, tell me -- the same way you hit the
25 highlights on your education background, do the

1 same for me for your work history?

2 A. Work history. For the past 18 years,
3 it's been casinos.

4 Q. Good deal.

5 A. It's been casino security.

6 Q. You want to start earliest to now or
7 now? Whichever is easiest for you. If you want
8 work backwards or --

9 A. Do you just want casino years?

10 Q. Well, you said 18 years. So that's
11 plenty far back.

12 A. Right. So seven of it going back from
13 now would be the Hard Rock.

14 Q. Worked for the Hard Rock here in Biloxi
15 the last seven years?

16 A. Right.

17 Q. Okay. Prior to -- you have always
18 worked -- these last seven years, you've always
19 worked for the location here in Biloxi?

20 A. Right.

21 Q. Before that -- tell us about your --
22 where you worked before that?

23 A. Well, before that, it was the time out
24 for Katrina. And I did some FEMA trailer park
25 stuff. I did flood grants up at the prime

1 outlets. And then I also worked at the Grand
2 Casino.

3 Q. Was that -- was that here on the Coast?

4 A. Briefly, yes. And the Grand Casino was
5 less than a year.

6 Q. Prior to --

7 A. Prior to that was the Imperial Palace
8 for about six years.

9 Q. That's the IP right here up the road?

10 A. Yes, sir.

11 Q. You said six years?

12 A. Yes, sir.

13 Q. Okay.

14 A. And then three years prior to that is
15 Boomtown.

16 Q. And that's also here in Biloxi?

17 A. Yes, sir.

18 Q. You mentioned the Katrina stuff.

19 That's sort of a government -- you're essentially
20 employed by the government at that time doing the
21 trailer park, flood grants, that type of stuff?

22 A. It was contract work for, yes, the
23 government, HUD, or whoever was initially in
24 charge of that.

25 Q. Now, for these last seven years, your

1 employment here at the Hard Rock Casino, are you
2 an employee of -- I guess the corporate entity is
3 Premier -- are you an employee of Premier?

4 A. Yes, sir.

5 Q. Okay. You receive benefits as an
6 employee? You don't have a separate independent
7 contract or agreement; is that right?

8 A. No, sir, no separate contract.

9 Q. Okay. Describe for us what your job
10 title and your basic duties have been over these
11 last seven years. And then if they've changed at
12 all, just sort of describe that for us.

13 A. Security shift manager for the --
14 responsible for safety and security the entire
15 casino for both guests and employees. Staffing.
16 Training. And ensuring that everybody is up on
17 our customer service and awareness of everything
18 that's going on.

19 Q. Your job title would be security shift
20 manager?

21 A. Yes, sir.

22 Q. Has it been that consistently for the
23 past seven years?

24 A. Yes, sir.

25 Q. Okay. And you have done basically

1 these things that you have mentioned to us,
2 overseeing security, staffing, training, customer
3 service, awareness type things, that's been your
4 duty the whole time?

5 A. Yes, sir.

6 Q. Prior to your employment here with the
7 Hard Rock when you worked for the Grand, IP, and
8 Boomtown, were your positions similar when you
9 worked for those prior casinos?

10 A. The Grand I was security shift manager
11 as well.

12 Q. Would that have been for that entire
13 roughly a year that you were there?

14 A. Yes, sir.

15 Q. Basically the same type duties?

16 A. Yes, sir.

17 Q. IP?

18 A. IP I was the assistant director of
19 security.

20 Q. And same question, essentially similar
21 duties, you're securing the premises, you're
22 ensuring compliance with the rules?

23 A. Except in that position I was
24 responsible for the entire property as well as all
25 three shifts. My direct supervisor was the

1 director of security.

2 Q. And so as security shift manager, for
3 example, current that would be instead of being
4 responsible for the entire property and all of the
5 shifts, you would be responsible for your shift;
6 is that right?

7 A. Yes. I am just responsible for my
8 shift currently.

9 Q. And so then there would be a supervisor
10 or somebody that you'd report to?

11 A. Yes, the director of security.

12 Q. And who is that person currently?

13 A. Currently it's Dwight Savell.

14 Q. How do you spell that last name?

15 A. S-A-V-E-L-L.

16 Q. And he is the director of security?

17 A. Yes, sir.

18 Q. Was he the director of security back
19 November 27, 2011?

20 A. Yes, sir, he was.

21 Q. Okay. Boomtown, what was your position
22 with Boomtown?

23 A. I was also a security shift manager.
24 Prior to that, there was a brief time that I was
25 training officer. And then because that's where I

1 got my start, there was a short period of time
2 where I was an officer.

3 Q. Officer meaning a security officer?

4 A. Yes, sir.

5 Q. Okay. Security shift manager, you're
6 overseeing the officers themselves?

7 A. Yes, sir.

8 Q. Okay. As security shift manager there
9 at Boomtown, you're essentially doing the same
10 type duties as what you're doing now and there
11 with IP and the Grand?

12 A. Right.

13 Q. In your capacity as a training officer
14 and an officer, you would be implementing what it
15 is that the security shift manager oversees; is
16 that right?

17 A. Implementing?

18 Q. Walk me through it if there is a
19 complaint, if there's a problem, if there's an
20 issue, I guess the chain of responsive actions.
21 How does that take place from the officer to the
22 security shift manager to the director? Who does
23 what in that -- in that --

24 MR. STEWART:

25 Are you talking about -- what type of

1 complaint? Are you talking about if --

2 MR. BELLINDER:

3 Q. A fight, for example. Say there is a
4 fight or an altercation or a disturbance in the
5 nightclub or something like that. Similar to what
6 happened here. What I'm asking is who does what
7 in that chain of individuals that we've got from
8 officer to your position of security shift manager
9 to director?

10 A. Well, what I'm wondering on that is
11 where did the complaint originate? Did it
12 originate on top? Did it originate at the bottom?
13 It would all depend.

14 Q. Yeah. That's a little too broad. We
15 will get to that as it relates specific to the
16 incident. We won't get there -- we will try to
17 move in a logical -- in a logical format.

18 Now, with each of these positions that
19 you've held, was there some training involved when
20 you came to accept those positions?

21 A. Yes, sir.

22 Q. Okay. Tell us specifically to the Hard
23 Rock. What was your training and how was that
24 involved when you accepted the security shift
25 manager position about seven years ago?

1 A. We were taken through a class by the
2 now assistant chief of police in Ocean Springs,
3 Mark Dunston. He took us through an extensive
4 class on handling situations. Also included
5 handling of aggressive patrons, fights, takedowns,
6 handcuffing, things of this sort.

7 Q. About how long was that class?

8 A. The class -- I do not recall exactly
9 how long it was, but it was pretty extensive.

10 Q. Okay. Do you know about when that was,
11 time frame?

12 A. It was around our opening time around
13 '07.

14 Q. Okay. As soon as you came on, this
15 class was performed?

16 A. Yes, sir.

17 Q. Any continuing educational type
18 classes? Any yearly, monthly, weekly, refresher
19 courses or anything that's continued to educate
20 you in your position or the security officers in
21 how to do what it is that y'all do?

22 A. Are we talking about me specifically or
23 the security officers?

24 Q. You specifically.

25 A. Okay. No.

1 Q. Okay. What about the officers
2 themselves?

3 A. The officers themselves have a security
4 training checklist as they arrive, and we go
5 through that and make sure that they are aware of
6 their position and their responsibilities. And we
7 do have a follow-up on that to make sure that they
8 are following up on those procedures, and it's all
9 documented.

10 Q. Okay. And that's done daily?

11 A. I'm sorry.

12 Q. Is that done daily with the officers?

13 A. No, sir.

14 Q. Okay. How often is that done with the
15 officers, the security training checklist?

16 A. The checklist is a 90 day probational
17 period whenever they first hire in, and then it's
18 up to the shift supervisor to follow up on that as
19 needed.

20 Q. Okay. And, now, you were the shift
21 supervisor for this particular shift as it relates
22 to this incident; is that right?

23 A. Yes, sir.

24 Q. Okay. When was the last time you had
25 reviewed the checklist with the specific officers

1 that were working that night?

2 A. The officers working that night are
3 actually assigned -- the ones that I see that are
4 in the shot are assigned actually to the swing
5 shift. It would be under a different security
6 manager.

7 Q. Okay. And tell us what is the -- we
8 heard the term swing shift on Monday I guess in
9 the military type, but it may mean the same thing.
10 What exactly is the swing shift?

11 A. 4:00 p.m. to midnight.

12 Q. Okay. And so this incident would have
13 actually occurred after those officers shift was
14 over?

15 A. Yes, sir.

16 Q. Would there have been -- and I'm
17 assuming there would have been a new shift that
18 would have come on scheduled to begin at 12:00?

19 A. That's my shift.

20 Q. And then go to when?

21 A. To 8:00 a.m.

22 Q. And what's that shift called?

23 A. Grave.

24 Q. Grave shift. Okay. So the incident
25 would have actually occurred on your shift but

1 involved officers from the prior shift?

2 A. Yes, sir.

3 Q. And the reason why they were still on
4 duty or still present there to respond to this?

5 A. The clubs are covered on a regular
6 basis by overtime. Either officers staying over
7 or officers that are in a part-time position.

8 Q. Okay.

9 A. Now, having said that, I probably had a
10 few officers that did respond from the casino
11 floor which were on my shift which would be a
12 normal response to a fight.

13 Q. So would you have ever went through the
14 security checklist with these particular officers
15 that are seen on the video?

16 A. No, sir.

17 Q. Considering they're not on your shift,
18 you would have never actually went through it?

19 A. No, sir.

20 Q. Do you have any knowledge about whether
21 or not their -- tell me this first. Who is their
22 shift supervisor; do you know?

23 A. Willie Adam.

24 MR. STEWART:

25 Just so we're clear, you're talking

1 about the ones who are not on the shift that he
2 described who might have responded?

3 MR. BELLINDER:

4 Right.

5 Q. And we may or may not take a look at
6 the video in little while, but the ones -- let me
7 ask you this: You have seen the video subsequent
8 to this incident?

9 A. Yes.

10 Q. Okay. Have you seen it recently?

11 A. Yes.

12 Q. How recently?

13 MR. STEWART:

14 You mean the entire video or parts of
15 the video?

16 MR. BELLINDER:

17 Q. Yeah. There's a lot of video, so I
18 guess the relevant portions. I guess the incident
19 and the response and the police action and the
20 subsequent actions by the hotel folks and police.

21 A. The entire video?

22 Q. I guess what's pertinent. There's a
23 lot of --

24 A. About a week.

25 Q. About a week ago. Okay. So where we

1 were, Willie Adam would have been the individual
2 who -- shift supervisor for the folks who -- and
3 we are talking about the ones who initially
4 respond to the altercation?

5 A. Yes.

6 Q. He would have been their shift
7 supervisor?

8 A. Yes.

9 Q. Okay. Is he still employed by Premier?

10 A. Yes, he is.

11 Q. Have you ever had any contact or
12 interaction with these particular individuals
13 prior to this evening?

14 MR. STEWART:

15 Who?

16 MR. BELLINDER:

17 Q. This particular evening. The
18 individuals that are seen initially responding to
19 the altercation.

20 MR. STEWART:

21 Security?

22 A. I don't understand.

23 MR. BELLINDER:

24 Q. We may need to look at the video before
25 we can get all this done.

1 MR. STEWART:

2 Just so we are clear. You're talking
3 about security employees?

4 MR. BELLINDER:

5 Q. Security. I'm not talking about the
6 officers, not the Biloxi police officers, but the
7 initial responding what appear to be security
8 guards on the video?

9 A. Have I had any issues?

10 Q. Have you had any supervisory authority
11 or supervisory actions as it relates to them prior
12 to this particular evening November 27, 2011?

13 A. The security officers in the video?

14 Q. Right.

15 A. Currently right now I don't have any
16 knowledge of that. I would have to research that
17 in my records.

18 Q. Okay. Their -- okay. That's good. Do
19 you have any children over the age of 18?

20 A. Yes.

21 Q. Tell me their names.

22 A. Samantha.

23 Q. Last name is Strong?

24 A. Her name is actually -- I'm drawing a
25 blank. Montgomery.

1 Q. Does Samantha reside in southern
2 Mississippi?

3 A. Madison.

4 Q. In Madison. Up north. Okay. Any
5 other children?

6 A. Yes, the second one is going to be
7 Misty. Her last name is Strong.

8 Q. Where does Misty reside?

9 A. Misty resides in Biloxi.

10 Q. Is Misty married?

11 A. No, she's not. Samantha is. And then
12 Sylvia.

13 Q. S-Y-L-V-I-A?

14 A. S-I-L-V-I-A.

15 Q. Strong also?

16 A. McNew, M-C-N-E-W. She's in the Air
17 Force at Barksdale, Louisiana.

18 Q. Any other close relatives who reside in
19 the southern -- go ahead.

20 A. I have another child.

21 Q. Okay. I interrupted.

22 A. Jaycee. She's 12, and she lives at
23 home with us.

24 Q. Any other close relatives over the age
25 of 18 who reside in the southern Mississippi

1 area?

2 A. Over the age of 18? My mother.

3 Q. Parents?

4 A. My mother.

5 Q. What's her name?

6 A. Deanna.

7 Q. D-E-A?

8 A. D-E-A-N-N-A Strong.

9 Q. Okay. Anybody else? She resides in
10 Biloxi?

11 A. Yes.

12 Q. Anyone else?

13 A. Well, you said parents.

14 Q. Parents, cousins, close relatives?

15 A. Have you got all day?

16 Q. I don't. To be honest with you, I
17 don't. Last name. You want to just start with
18 last name. Somebody that you may be related to.
19 Mostly strong. Is that a family name?

20 A. Strong is, and then Hardy. Hardy is my
21 mom's maiden name.

22 Q. H-A-R-D-Y?

23 A. It is.

24 Q. The reason we ask some of these
25 questions is we like to preface sometimes because

1 it seems like what are we talking about. In the
2 event that we had to choose a jury in this case,
3 we would need to know anybody who is related to
4 parties, lawyers, witnesses, just depending on
5 what day it is you may want -- you know, they may
6 be a good juror, but they may not be the right
7 juror for our case.

8 Okay. Other last names that may
9 reflect a relationship?

10 A. I don't know. My aunt is a -- my aunt
11 is a Walters.

12 Q. Walters.

13 A. W-A-L-T-E-R-S. That's her maiden name.
14 So it's going to be mainly Strong and Hardy.

15 Q. Have you ever been convicted of a
16 crime?

17 MR. STEWART:

18 Talking about in the last ten years
19 involving --

20 MR. BELLINDER:

21 Yeah, last ten years.

22 A. No.

23 MR. BELLINDER:

24 Q. Okay. You mentioned that you had
25 reviewed the video in this video footage about --

1 you said about a week ago. Any other documents or
2 information that you reviewed to get ready for
3 your deposition today?

4 A. My report.

5 Q. You did look at the report?

6 A. Yes.

7 Q. Did you bring anything with you?

8 A. No.

9 Q. Okay. Other than your report, did you
10 look at anything else, any other documents?

11 A. No.

12 Q. Okay. Now, other than your attorneys
13 which we are not entitled to speak to -- I say
14 your attorney. The attorney for the casino for
15 your employer. Any other conversations that had
16 you to refresh your memory about what happened
17 that evening?

18 A. Yes.

19 Q. Okay. Who else did you speak to?

20 A. Other than the attorney?

21 Q. Right. We are not entitled to know
22 what you spoke to the attorney for the casino
23 about. But anybody else? Any other witnesses,
24 anybody else that was there that you spoke to?

25 A. I made sure that both John Dixson, John

1 Brown, and Amanda Flannigan knew what time their
2 depositions were. Other than that, we didn't have
3 any discussions.

4 Q. No discussions about the substance of
5 what took place or remembering about that
6 evening?

7 A. No, sir.

8 Q. Okay. Now, tell us where you were that
9 evening? Were you actually on the premises?

10 A. I was on the premises, yes, sir.

11 Q. Where were you in relation to that
12 nightclub?

13 A. I don't recall exactly.

14 MR. STEWART:

15 What time?

16 MR. BELLINDER:

17 Q. This incident took place right after
18 midnight. Do you recall where you were when the
19 altercation began?

20 A. (Witness shook head.)

21 Q. You don't?

22 A. I really don't.

23 Q. How did you first learn that there was
24 and incident taking place?

25 A. There was a call for assistance over

1 the radio.

2 Q. When was that call received?

3 A. Well, it's going to be -- my
4 recollection is around 2:32. 2:30, 2:32.

5 Q. A.m.?

6 A. Yes, sir.

7 Q. That's a specific time. Do you know
8 how or where you get that time frame?

9 A. From my report.

10 Q. Now, do you have independent
11 recollection of this evening? And what I mean by
12 independent is absent from -- looking at the video
13 absent from your report. Do you specifically
14 remember the events that took place?

15 A. Yes, sir.

16 Q. Okay. Tell me what you specifically
17 remember about that evening.

18 A. The call was made that a fight was in
19 progress in The Ledge. And I arrived and made
20 contact with Amanda Flannigan first, and she
21 immediately tells me that Soukup is the aggressor.
22 And they have him outside against the wall. And
23 he was fighting with a guy that was currently
24 being detained on the floor.

25 I said, What do you mean aggressor?

1 And she says, He was hitting this guy repeatedly.
2 I said, The guy on the floor. And she said, Yes.
3 So immediately I called for an ambulance because I
4 don't know what his condition is. Soukup being
5 the aggressor, I immediately told him that he was
6 under arrest and handcuffed him to remove him from
7 the situation and to get him out of the room.

8 AMR was en route as well as BPD, and
9 then I sent the order out for the lights and the
10 music to be killed. And then I proceeded to
11 escort Soukup to the interview room.

12 Q. Anything else you can remember about
13 that night?

14 A. Well, after arriving in the interview
15 room and on the way -- let's go back to on the way
16 because specifically I remember as we're walking
17 to include in the elevator and in the room, Soukup
18 is very adamant about the fact that he took care
19 of business. His friend apparently was choking
20 his wife out, and he had had enough. And he is
21 one of his guys. And he is going to take care of
22 business in the ranks.

23 And then we are talking, and even as we
24 arrive in the room and we continue the
25 conversation, he is not showing any remorse, and

1 he is telling me the story all over again in more
2 detail about how they take care of business on
3 their own.

4 I even said to him, I understand. I
5 was in the military. I understand where you're
6 coming from that you want to take care of your
7 guys in the ranks and that kind of stuff. I get
8 that. However, here on this property in my
9 position, that's just absolutely not going to be
10 allowed. You have created a hostile situation and
11 disrupted our business and that will not be
12 tolerated. And for that, I'm placing you under
13 arrest for disorderly disruption of a business.

14 Q. Okay. Anything else you recall about
15 that evening?

16 MR. STEWART:

17 You got a specific question or is it
18 the whole episode?

19 MR. BELLINDER:

20 My question is what else he
21 specifically remembers.

22 A. Well, I do know that at the end of the
23 night, and my report will indicate this, I do know
24 that there was another arrest what turned out to
25 be Jordan. I wasn't involved in that. I know

1 that he went to jail. And later I went to the
2 station to sign charges against Soukup.

3 Q. Okay. This would have been after
4 everybody involved would have been removed from
5 the premises?

6 A. Right.

7 Q. Anything else you can recall
8 specifically about that evening?

9 A. Without a specific question on that,
10 that's --

11 Q. That's about all you remember; is that
12 right?

13 A. In terms of --

14 MR. STEWART:

15 That pretty much calls for his
16 recollection without a specific question.

17 MR. BELLINDER:

18 Q. Okay. Let me ask you a few specific
19 questions about that -- about what you have told
20 us so far. You mentioned you get the call over
21 the radio that there was a fight in progress. You
22 arrive on scene, and the first person you come in
23 contact with is Amanda Flannigan; is that right?

24 A. Yes.

25 Q. At the time when you contacted Amanda

1 Flannigan, was the fight over with?

2 A. It appeared to be other than Jordan was
3 being restrained and Soukup was against the wall.

4 Q. So when you arrive, the fight is done;
5 is that correct?

6 A. Yes.

7 Q. You haven't seen the fight itself?

8 A. No.

9 Q. You haven't seen the video prior to
10 arriving on the scene?

11 A. No.

12 Q. You didn't have time to stop and check
13 the tape and then go?

14 A. No.

15 Q. You respond right away. You get there.
16 You contact your employee, and the fight is over
17 with. Both parties are being restrained?

18 A. Yes.

19 Q. Tell me where is Jordan at this time.

20 A. Jordan is on the floor being
21 restrained.

22 Q. Okay. Who is restraining Jordan?

23 A. John Dixson.

24 Q. And so Flannigan tells you that Soukup
25 was the aggressor?

1 A. Right.

2 Q. Okay. We know that to be incorrect
3 now? Hindsight 20/20, we understand that he was
4 not the aggressor?

5 MR. STEWART:

6 Object to form.

7 MS. STEEL:

8 Object to the form.

9 MR. BELLINDER:

10 Q. Is that right? Is that your
11 understanding of what took place?

12 A. No, it's not.

13 Q. You say you've seen the video?

14 A. Yes.

15 Q. At what point in the video is Soukup
16 seen to be the aggressor?

17 A. He is not on the video.

18 Q. He's not. And the video captures the
19 entire incident; is that correct?

20 MR. STEWART:

21 Objection.

22 A. Negative.

23 MR. BELLINDER:

24 Q. What part of the incident did the video
25 not catch?

1 A. Soukup being aggressive and hitting the
2 guy.

3 Q. So your testimony is that Soukup was
4 the aggressor because Amanda told you so, right?

5 A. Not just Amanda.

6 Q. Okay. Somebody else told you?

7 A. Yes.

8 Q. Who else told you that Soukup was the
9 aggressor?

10 A. Fisher.

11 Q. Who is Fisher?

12 A. Nathan Fisher who is now a Jackson
13 County sheriff's deputy.

14 Q. Okay. Where was he?

15 A. He was in the club as well. He was
16 actually right behind me as I was handcuffing
17 Soukup.

18 Q. Okay. And so where did Fisher -- at
19 what point does Fisher tell you Soukup is the
20 aggressor?

21 A. It's happening at the same time. As
22 I'm arriving on scene, I talked to Amanda and then
23 he's there. He's telling me the same thing. So
24 I've got a corroborating story that this guy is
25 the aggressor.

1 Q. Gotcha. Did Fisher tell you where he
2 was positioned in reference to the incident?

3 A. We didn't have time to discuss that.

4 Q. At any point does he tell you where he
5 was?

6 A. No.

7 Q. Did you ask him where he was?

8 A. No.

9 Q. Did you ask him, Well, did you actually
10 see the incident or did Amanda tell you and you
11 told me?

12 A. He told me that he seen it.

13 Q. Okay. But you didn't follow up and see
14 where he was?

15 A. No, sir.

16 Q. Okay. Anybody else who told you Soukup
17 was the aggressor?

18 A. Not that I recall at this time.

19 Q. And you said the video doesn't show
20 that?

21 A. The video doesn't show it, but he said
22 he was the aggressor.

23 Q. You say he took care -- he told you he
24 took care of business?

25 A. Yes, sir, he did.

1 Q. So did he tell you he was taking care
2 of business, or did he tell you I was the
3 aggressor in the fight?

4 A. He said they take care of business.
5 This is his guys and that's the way they take care
6 of things.

7 Q. Did you know Soukup prior to this?

8 A. No.

9 Q. Had you ever met him before?

10 A. I had not.

11 Q. Had you ever met Jordan before?

12 A. No, sir.

13 Q. Had you ever met his wife before?

14 A. Not that I'm aware of.

15 Q. Okay. Information that you received
16 regarding him fighting or him hitting the guy
17 repeatedly, that would have been told to you by
18 someone else?

19 A. Yes.

20 Q. You say you immediately called for the
21 ambulance?

22 A. Yes.

23 Q. And then at that point, after you
24 called the ambulance, you told Soukup he was under
25 arrest?

1 A. Yes.

2 Q. And you handcuffed him?

3 A. Yes.

4 Q. Okay. Tell me what authority do you
5 have to arrest someone, period?

6 MR. STEWART:

7 Object to the extent that calls for a
8 legal opinion.

9 MR. BELLINDER:

10 Q. What authority in your position do you
11 have to arrest someone?

12 A. We make citizens arrests in providing
13 safety and security for all guests on the Hard
14 Rock Casino property. It is authorized from time
15 to time to make a citizen's arrest.

16 Q. Authorized by whom?

17 A. Well, it's just --

18 Q. Go ahead. Who authorizes you to make a
19 citizen's arrest?

20 A. I guess the State of Mississippi.

21 Q. Okay. You say you guess. Have you
22 ever been trained in what it takes to arrest
23 someone?

24 A. Have I been trained specifically in
25 arresting?

1 Q. Yeah.

2 A. Yes.

3 Q. By who?

4 A. Mark Dunston.

5 Q. Okay. Mark Dunston trained you to make
6 arrests?

7 A. Yes, sir.

8 Q. Okay. You've seen the -- I'm assuming
9 you have seen the policy as it relates to the --
10 as it relates to the Hard Rock?

11 A. Yes, sir.

12 MS. STEEL:

13 Have you got a copy of those?

14 MR. BELLINDER:

15 I did not copy it. I was instructed
16 not to copy it per court order.

17 MS. STEEL:

18 Okay.

19 MR. STEWART:

20 Outside the use of this case.

21 MR. BELLINDER:

22 Right.

23 MS. STEEL:

24 Do you mind stopping and letting us --

25 MR. BELLINDER:

1 No. If you want it, that's fine.

2 MS. STEEL:

3 David, is that okay?

4 MR. STEWART:

5 Yeah, I meant to bring them. I had
6 them on my desk and I forgot.

7 (A short break was taken.)

8 MR. BELLINDER:

9 Q. Okay. Mr. Strong, we were talking
10 briefly before we took a break about the security
11 policies and procedures for the Hard Rock. You're
12 familiar with those?

13 A. Yes, sir.

14 Q. Those basically govern your actions as
15 the security shift manager?

16 A. Yes, sir.

17 Q. And so your policy states, the security
18 department is geared toward a public relations
19 approach and is not run like a police department
20 or the military. You're aware it says that?

21 A. Yes, sir.

22 Q. Okay. And then later on it references
23 that officers are reminded they are not police
24 officers but are security officers acting in the
25 best interest of and on behalf of the Hard Rock.

1 You're aware of that as well?

2 A. Yes.

3 Q. Okay. But you told us that you
4 arrested Chris Soukup that evening?

5 A. Yes, sir.

6 Q. That you placed him in handcuffs and
7 lead him to an interrogation room?

8 A. Yes.

9 Q. Okay. And you say your only training
10 for --

11 MR. STEWART:

12 Object to characterization.

13 Q. Okay. Is that your testimony?

14 MR. STEWART:

15 As to the word interrogation.

16 MR. BELLINDER:

17 Q. Okay. What was the room called that
18 you took him to?

19 A. Interview room.

20 Q. To an interview room; is that right?

21 A. Yes.

22 Q. And so you say your only training as to
23 arrest was this class you had when you first
24 started by now Assistant Chief Mark Dunston; is
25 that right?

1 A. Yes.

2 Q. Now, going back to that, could you tell
3 me how long that class was?

4 A. I can't recall.

5 Q. Can't recall. Ballpark, was it a day
6 or week or month?

7 A. It was pretty extensive, so it was
8 probably a whole day.

9 Q. A whole day. So you get one day, and
10 you say you started back when the Hard Rock
11 opened? '07.

12 A. '07.

13 Q. Okay. So you get one day of training
14 as to arrests in '07. Nothing since?

15 A. No, sir.

16 Q. No continuing training as to how to
17 apply handcuffs?

18 A. No.

19 Q. No continuing training as to what
20 constitutes a citizen's arrest?

21 A. No.

22 Q. No training as it relates to reasons
23 for a lawful arrest?

24 A. No.

25 Q. Okay. While you were heading down

1 this -- while you were escorting him to the
2 interview room, do you recall Mr. Soukup --
3 Chris -- do you recall Chris complaining about the
4 way the handcuffs were applied?

5 A. I don't recall anything along those
6 lines.

7 Q. At any point during the walk, during
8 the ride down the elevator, or while he was in the
9 interview room, do you recall him mentioning the
10 handcuffs aren't applied properly?

11 A. I don't remember that specific thing,
12 but I do remember him complaining in the interview
13 room, and I adjusted them.

14 Q. Okay. And you're aware that -- or are
15 you aware that applying handcuffs improperly can
16 injure someone?

17 A. Yes.

18 Q. So it would be important to be trained
19 on those things to prevent injuries when you're
20 handcuffing someone?

21 A. Yes.

22 Q. At any point during your arrest process
23 did you read Chris Soukup his Miranda Rights?

24 A. I did not.

25 Q. Do you know what Miranda is?

1 A. Yes.

2 Q. Were you trained on Miranda?

3 A. I had that in my criminal justice
4 course.

5 Q. That one class you took at -- at Gulf
6 Coast?

7 A. Yes, sir.

8 Q. So what is your understanding of
9 Miranda?

10 MR. STEWART:

11 Objection to the extent it calls for a
12 legal conclusion.

13 MR. BELLINDER:

14 Q. Your personal knowledge of Miranda to
15 the extent you remember it from your class.

16 A. Well, I don't recall exactly the
17 verbiage that is in the Miranda, but is it
18 something that a police officer is required to
19 read to someone.

20 Q. Those are rights that an individual has
21 that are required to be read to them when someone
22 is arresting them?

23 A. By a police officer.

24 Q. Now, what is your understanding of a
25 citizen's arrest and in what circumstances can a

1 citizen's arrest can be made?

2 A. In a situation to where they're highly
3 aggressive and other patrons or employees are in
4 danger.

5 Q. And so it's -- go ahead.

6 A. We also arrest on theft, things of this
7 sort.

8 Q. So you say in a situation where someone
9 is highly aggressive or putting someone else in
10 danger?

11 A. Right.

12 Q. Then you have the authority to make a
13 citizen's arrest?

14 A. Yes.

15 Q. Is there an announcement that you have
16 to make when you're making a citizen's arrest?

17 A. Yeah. I advised him that he was under
18 arrest.

19 Q. You told him that he was under a
20 citizen's arrest? Did you tell him you were a
21 police officer making an arrest?

22 A. I told him he was under citizen's
23 arrest for disorderly disruption of a business.

24 Q. Okay. Now, at the time when you
25 arrested him, this is after you came in contact

1 with Amanda and she told you what she told you,
2 was Mr. Soukup being highly aggressive?

3 A. No, he wasn't.

4 Q. Was Mr. Soukup placing other patrons in
5 danger at that point?

6 A. Not at that point.

7 Q. Okay. So you had no authority to
8 arrest him?

9 MR. STEWART:

10 Object to form.

11 MR. BELLINDER:

12 Q. Okay. If he's not being highly
13 aggressive -- you told us earlier that to make a
14 citizen's arrest you can make one when someone is
15 being highly aggressive or placing other patrons
16 in danger, right?

17 A. I'm going to make sure that he is not
18 aggressive again.

19 Q. But you don't know -- you can't see in
20 the future? You don't know that he is going to do
21 that?

22 A. No, sir. But I have to prepare to
23 protect guests and employees.

24 Q. Right. And in fact, Amanda had told
25 him to leave?

1 A. I don't have any knowledge of that.

2 Q. You were standing right there?

3 A. No, sir.

4 Q. You weren't standing there?

5 A. I don't have any knowledge of that.

6 Q. You recall him when he was up against
7 the wall walking away at some point?

8 A. No, sir.

9 Q. Okay. So when you arrive, you arrest
10 him?

11 A. Yes.

12 Q. Based on not what you saw but what
13 somebody else told you?

14 A. Yes.

15 Q. And you said at that point he was not
16 being aggressive and he was not placing anyone in
17 danger?

18 A. Yes.

19 Q. And you arrested him based on your
20 experience of a criminal justice course at
21 Mississippi Gulf Coast College and a one-day class
22 seven years prior?

23 A. I arrested him based on he was an
24 aggressive person and was placing other guests and
25 employees in danger.

1 Q. Right. But you said he wasn't at that
2 time? When you saw him, he wasn't?

3 A. But I had -- it's my responsibility to
4 make sure that he doesn't again.

5 Q. Uh-huh. But you were told that by
6 somebody else. You hadn't seen him be aggressive
7 at all?

8 MR. STEWART:

9 Asked and answered.

10 A. Yes, sir.

11 MR. BELLINDER:

12 Q. You had not seen him be aggressive at
13 all that evening?

14 A. That's correct.

15 Q. He was compliant with what you asked to
16 do?

17 A. Actually he wasn't. He didn't want to
18 be handcuffed.

19 Q. Okay. Before you handcuffed him, did
20 you tell him you were arresting him?

21 A. Yes.

22 Q. Describe what you said.

23 MR. STEWART:

24 Object to the form. Asked and
25 answered.

1 MR. BELLINDER:

2 Q. Go ahead. Describe what you told him
3 prior to putting the handcuffs on him.

4 A. You're under citizen's arrest for
5 disorderly disruption of a business.

6 Q. Uh-huh.

7 A. I went to place the handcuffs on him,
8 and he went to pull them away.

9 Q. Okay. What is disorderly disruption of
10 a business?

11 MR. STEWART:

12 Object to form. It calls for a legal
13 conclusion or opinion.

14 MR. BELLINDER:

15 Q. You say you arrested him for disorderly
16 disruption of a business at least twice, right?

17 A. What do you mean?

18 Q. At least twice today you say you
19 arrested him for disorderly disruption of a
20 business, correct?

21 A. Yes.

22 Q. What is that?

23 A. Well --

24 Q. Is that a crime in Mississippi?

25 A. It is.

1 Q. Go ahead.

2 MS. STEEL:

3 Object. Y'all are talking over each
4 other.

5 MR. BELLINDER:

6 Q. Go ahead.

7 A. Yes.

8 Q. Yes what?

9 A. Yes, it is a crime.

10 Q. Okay. How do you know that's a crime?

11 A. Because we have arrested people before
12 for the same thing.

13 Q. Okay. Now, tell me this. You did an
14 affidavit you said against Mr. Soukup, correct?

15 A. Yes.

16 Q. This is a misdemeanor affidavit?

17 A. Yes.

18 Q. A misdemeanor that was not committed in
19 your presence, correct?

20 A. Yes.

21 Q. It was information that was given to
22 you by somebody else, and then you filed the
23 charge against him?

24 A. Yes.

25 Q. You were -- in the course of filing

1 this affidavit, you gave sort of an affidavit
2 which is a sworn statement, correct?

3 A. Yes.

4 Q. You understand that that's what an
5 affidavit is?

6 A. Yes.

7 Q. And the affidavit you actually filed
8 has some penalties essentially describing what it
9 is that an affidavit or I guess the penalty for
10 withdrawing an affidavit, right?

11 MR. STEWART:

12 Object to the form. The document
13 speaks for itself. You have not identified it for
14 the record.

15 MR. BELLINDER:

16 This is HR03.

17 MR. STEWART:

18 Is that an exhibit to this deposition?

19 MR. BELLINDER:

20 It's not. We can make it one.

21 MR. STEWART:

22 It's your deposition.

23 MR. BELLINDER:

24 Q. Now, in your -- in your this is called
25 a victim's statement. Do you recall giving this?

1 A. Yes.

2 Q. Have you looked at this subsequent to?
3 Have you looked at this since you actually gave
4 it?

5 A. No.

6 MR. BELLINDER:

7 Okay. Let's -- we can make this one.
8 (Exhibit 1 was marked.)

9 Q. I'm going to hand you what's been
10 marked as Exhibit 1 to your deposition.
11 Specifically I'm going to ask you about that
12 second page, that victim statement down there.

13 Okay. Do you recall making that
14 statement?

15 A. Yes.

16 Q. Or making that statement. Writing that
17 statement? Giving that statement to the police?

18 A. Yes.

19 Q. That's my copy right here.

20 MS. STEEL:

21 Could you tell us what Exhibit 1 is,
22 what document?

23 MR. BELLINDER:

24 04. 03 and 04.

25 MS. STEEL:

1 I don't have any --

2 MR. STEWART:

3 This is the affidavit in the city court
4 file.

5 MS. STEEL:

6 Thanks.

7 MR. BELLINDER:

8 Q. Now, it says victim statement, but
9 you're not the victim, right? You were not
10 accosted or assaulted by Mr. --

11 A. I represent the Hard Rock.

12 Q. Right. And so the Hard Rock is the
13 victim here?

14 A. Yes.

15 Q. It says when you arrived, your officers
16 advised that Soukup had punched an unknown white
17 male that was unconscious laying face down on the
18 floor, correct?

19 A. Yes.

20 Q. And so it's your sworn testimony that
21 Jason Jordan was unconscious laying face down on
22 the floor?

23 A. Well, in looking at that now, I don't
24 know that he was unconscious.

25 Q. Okay. But my question is: This was an

1 affidavit, right, sworn for you to tell the truth,
2 right?

3 A. Right.

4 Q. And in your affidavit, you say Jason
5 Jordan was unconscious laying face down on the
6 floor?

7 A. Well, somebody told me that he was
8 possibly but he was definitely injured, and that's
9 when I called for an ambulance.

10 Q. And this would have been while Soukup
11 was standing up before he had been handcuffed?

12 A. Somewhere right in that same area, yes,
13 sir.

14 Q. Okay. You're not saying that you
15 submitted a false affidavit?

16 A. No, sir.

17 Q. Okay. Ambulance. What -- what do you
18 know about the ambulance? Did it ever come? Was
19 there ever a stretcher brought in?

20 A. It was brought in from what I was told
21 later and then they left.

22 Q. Okay. Why did they leave?

23 A. Well, that I don't have any knowledge
24 of.

25 Q. You didn't tell them to leave?

1 A. No, sir.

2 Q. Do you know if anybody with the casino
3 told them to leave?

4 A. I don't have any knowledge of that.

5 Q. You haven't had any conversations about
6 that?

7 A. No, sir.

8 Q. At some point, there's been reference
9 to a wheelchair?

10 A. Right.

11 Q. Okay. Do you know anything about that?
12 Was there a wheelchair brought there at some
13 point?

14 A. There was a wheelchair brought in.

15 Q. Is that visible on the video?

16 A. Yes, sir.

17 Q. At what point is the wheelchair brought
18 in? Well, let me ask this: Who asked for the
19 wheelchair?

20 A. That I don't have knowledge of, but
21 it's a standard procedure when someone is injured
22 to initially ask for a wheelchair, and it's
23 usually prerequisite if AMR is responding be on
24 standby in case.

25 Q. And so you saw the wheelchair prior to

1 handcuffing Chris?

2 A. No, sir, I can't say that.

3 Q. When did you see the wheelchair?

4 A. I didn't see the wheelchair.

5 Q. You only saw it on video? You didn't
6 see the wheelchair while you were actually there?

7 A. Right.

8 Q. Okay. Per looking at the video, when
9 was the wheelchair brought to the scene, to the
10 scene of the incident?

11 A. Exact time?

12 Q. In relation to Jordan as we see him on
13 the video, where and when is the wheelchair
14 brought in?

15 A. That I don't recall exactly, but I do
16 recall seeing the wheelchair brought in.

17 Q. It was brought in prior to the police
18 arriving?

19 A. Yes.

20 Q. Okay. So somebody with the Hard Rock
21 would have known Jordan was injured prior to the
22 police coming, that's why a wheelchair was
23 brought, right?

24 A. I'm not sure. I don't know.

25 Q. That's the only reason a wheelchair

1 would have been brought, right?

2 A. I can't say who asked for it.

3 Q. Okay. Why would you somebody have
4 called for a wheelchair, you said because somebody
5 would be hurt, right?

6 MR. STEWART:

7 Objection. Calls for speculation.

8 A. It could have been a -- it could have
9 been a bartender that asked for it. I mean, I
10 don't know.

11 MR. BELLINDER:

12 Q. Right. But they wouldn't have brought
13 it for anyone other than Jordan, right?

14 A. Once again, I don't have any knowledge
15 of that.

16 Q. You didn't call for the wheelchair?

17 A. No, sir.

18 Q. Travis Hart. Who is Travis Hart? How
19 did that -- there is reference to a Travis Hart
20 made in incident files and police reports, and so
21 I'm wondering who is -- how did that name come
22 about?

23 A. I was advised by the officers on the
24 scene that the other guy was Travis Hart. That
25 turned out to be Jordan.

1 Q. Police told you that the guy on the
2 floor was Travis Hart?

3 A. Right.

4 Q. But that was later found out to
5 actually be Jordan?

6 A. (Witness nodded head.)

7 Q. Do you recall which police officer it
8 was that told you that's Travis Hart?

9 A. That I don't remember.

10 Q. Do you remember was it while -- well
11 let me ask you this. When was the first time you
12 actually talked to a police officer?

13 A. I don't recall that neither, but it was
14 later in the -- later in the night probably.

15 Q. Same evening?

16 A. Yes.

17 Q. Okay.

18 A. In fact, it's probably going to be when
19 the officer arrived in the interview room is when
20 we had our first discussion?

21 Q. Okay. So you think it was at that
22 point he told you that Travis Hart was the guy on
23 the floor?

24 A. I'm not sure. But obviously it got
25 twisted.

1 Q. The video itself, there is no audio
2 available on that?

3 A. There's no audio.

4 Q. Is that standard with the security film
5 that it's video only without sound as far as
6 what's being heard?

7 A. No, sir.

8 Q. No that's not standard?

9 A. It's not standard.

10 Q. Normally it has audio?

11 A. Yes.

12 Q. Okay. Why does this one have audio?
13 Do you have any idea?

14 A. I can't answer that.

15 MR. STEWART:

16 Which one?

17 MR. BELLINDER:

18 All of them.

19 MR. STEWART:

20 All -- the entire video?

21 MR. BELLINDER:

22 Uh-huh.

23 Q. Any idea why this wouldn't have audio?

24 A. Well, we don't have audio on the entire
25 video, it's just the interview room that would

1 have audio.

2 Q. Okay. So standard is the video, the
3 surveillance that looks into the club, the casino
4 and the other areas where we see the hallways,
5 that does not have audio ever?

6 A. That is correct.

7 Q. Okay. The interview room has audio?

8 A. Yes.

9 Q. Okay. Did you actually see the police
10 arrive to the nightclub? Were you there at that
11 point or were you gone by then?

12 A. I was gone.

13 Q. How many other arrests have you made in
14 your time with the Hard Rock Casino?

15 A. That I -- we would have to go into the
16 records to look at that. There is no way that I
17 could give you a number on that at this point.

18 Q. What about a -- what about a ballpark?
19 Have you arrested more than five people?

20 A. Yes.

21 Q. More than ten people?

22 A. Yes.

23 Q. Have you ever had somebody complain of
24 an injury due to the way that you arrested them
25 before?

1 A. Yes.

2 Q. Okay. Who is that?

3 A. All I remember is the guy's last name
4 of Sanford.

5 Q. Sanford. Do you remember about when
6 that was?

7 A. I don't recall actually.

8 Q. This year? Last year?

9 A. Probably approximately three years, but
10 that's a guess.

11 Q. 2011?

12 A. Don't want to swear to that.

13 Q. Did you ever talk with any of the
14 witnesses to what was going on?

15 A. As far as when their depositions were
16 or?

17 Q. Let's talk about the night of.

18 MR. STEWART:

19 What do you mean witnesses?

20 MR. BELLINDER:

21 Q. Did you ever talk to somebody -- did
22 you ever ask anybody some questions on the scene
23 there when you arrested Chris?

24 A. Well, there was no time to ask anybody
25 on the scene. I was removing him.

1 Q. It was time to arrest him and get him
2 out. So you didn't talk to anybody before
3 arresting Chris other than Amanda, other than
4 Fisher?

5 A. Amanda and Fisher.

6 Q. What about afterwards, did you ever go
7 back and talk to any witness?

8 A. Well, I talked to my guys that were on
9 the scene, but the best account of it was from
10 those two. And at the time that that report was
11 published, I think that's what I indicated.

12 Q. You say you talked to your guys on
13 scene? Who did you talk to? What guys?

14 A. That would be Amanda and Fisher.

15 Q. Okay. Nobody -- had you spoken with
16 anybody else? That's what I thought you were
17 referencing was somebody other than Amanda and
18 Fisher. Other than Amanda and Fisher, did you
19 talk to anybody else?

20 A. You will see Oliver Waits was listed on
21 there I believe, John Brown, John Dixson, and
22 everyone corroborated the story that this guy was
23 the aggressor.

24 Q. When did you talk to Oliver Waits; do
25 you remember?

1 A. I don't remember exactly. I want to
2 say it was later in the night.

3 Q. And so what did Waits tell you?

4 A. Other than the guy was the aggressor.

5 Q. And when you say the guy, that's Chris
6 Soukup?

7 A. Right.

8 Q. Waits told you Chris was the aggressor?

9 A. Right. But I can't testify as to
10 whether or not somebody told him.

11 Q. Okay. But that's just what Waits told
12 you?

13 A. Right.

14 Q. When you talked to Brown, what did
15 Brown say?

16 A. Brown pretty much along the same lines,
17 but I don't remember the exact conversation.

18 Q. Do you remember when it was?

19 A. No, I don't.

20 Q. What about Dixson?

21 A. Same thing. They were sure that that
22 was the guy.

23 Q. Okay. What role did you have in the
24 investigation on behalf of the casino -- on behalf
25 of Premier in this particular incident? What all

1 were you required to do?

2 A. You're holding it in your hand.

3 Q. Just the incident report?

4 A. The incident report. State the facts.

5 Forward that up. And then continued on the next
6 night when the supplement was attached that says
7 that the guy ended up being Jordan that was face
8 down. I straightened that out on a supplement.

9 Q. Who is Matthew Zachary Martin?

10 A. Matthew Zachary Martin from what I
11 understand -- I didn't have any contact with
12 him -- that was something that was found in the
13 investigation as well. He ended up being involved
14 in filming a second arrest from the casino that
15 was eventually posted on You Tube.

16 Q. He was the guy holding the camera? Or
17 was the guy that was --

18 A. I didn't see that. That's what I was
19 told.

20 Q. His name -- actually his driver's
21 license and his picture are in your -- in your
22 incident report?

23 A. We identified him from video.

24 Q. Okay. Did you ever actually talk to
25 him?

1 A. I did not.

2 Q. Where did you actually receive
3 information about him?

4 A. That I don't recall.

5 Q. From a source I guess is what I mean.

6 A. That I don't recall. We were able to
7 obtain his name, but I can't speculate on that.

8 Q. Okay. And naturally, I mean, we --
9 while I'm asking you about it. Let's just make
10 your report -- make your report exhibit next, and
11 we are referencing HR38 through 42.

12 (Exhibit 2 was marked.)

13 Q. Okay. Have you seen -- I'm going to
14 hand you what's been marked as Exhibit 2. Have
15 you seen that since you filled it out?

16 A. Yes.

17 Q. And that's your -- that's a five page
18 report based on that evening and as far as what
19 would have taken place; is that right?

20 A. Yes, sir.

21 Q. And so you see where -- you see where
22 it references Martin? Would have began with
23 December 2nd.

24 A. December the 2nd. Okay.

25 Q. Where would you have received that

1 information?

2 A. Once again, that I don't recall.

3 Q. Is it standard that you would recall
4 where you gathered information in the course of an
5 investigation?

6 MR. STEWART:

7 Object to form.

8 MR. BELLINDER:

9 Q. Go ahead. Do you typically not recall
10 where you receive this information?

11 MR. STEWART:

12 Object to form.

13 MR. BELLINDER:

14 Go ahead.

15 A. I -- usually it would happen in
16 conjunction with surveillance, based on possibly
17 play.

18 Q. Are you trained to document where you
19 received the information that you put in the
20 report?

21 A. No, sir.

22 Q. You're not trained on that?

23 A. No, sir.

24 Q. You just put it in there?

25 A. Yes.

1 Q. You say you called the ambulance
2 because there was an injury on site?

3 A. Possible.

4 Q. Possible injury. And you said the
5 reason that a wheelchair would have been called
6 was for a possible injury?

7 A. Or for a drunk.

8 Q. And everybody -- you and your security
9 folks are trained on that, right?

10 A. Yes.

11 Q. If somebody is hurt, you call an
12 ambulance, get a wheelchair, help them?

13 A. Sometimes somebody is just intoxicated,
14 and they bring a wheelchair. I say that because
15 it could have very well been for something else.
16 I'm not sure.

17 Q. Describe -- describe The Ledge for us.
18 There is reference to the corridor. Reference to
19 the wall. There is reference to down to holding.
20 All those different things. Explain to us just
21 briefly, if you can, describe the setup for us.

22 A. Well, um --

23 Q. And it may be -- would it help to
24 reference that?

25 MR. STEWART:

1 It doesn't have an interior detail.
2 I've got something that I've located that I should
3 be able to produce. If we need it, I can try to
4 get it.

5 MR. BELLINDER:

6 Q. Well, just generally. I'm not going to
7 hold you to it. But generally can you describe
8 The Ledge nightclub, the bar, the wall where
9 Soukup is being held, the holding areas.

10 A. Well, there is a stairwell that leads
11 up, and then there's a foyer as you enter. There
12 is a glass wall that is the wall for the foyer.
13 Okay. And then there are some glass doors that
14 leads into the actual club. There is two bars
15 inside, DJ booth, dance floor. And the corridor
16 that they're referring to would be the corridor
17 leading out the back of the club past the
18 restrooms that would go into our back hallway and
19 to the service elevator where he was escorted into
20 the interview room.

21 Q. Do you remember asking Amanda if she
22 saw the tasing by the police?

23 A. I don't recall.

24 Q. Do you recall a David Creel?

25 A. Yes.

1 Q. Who is David Creel?

2 A. David Creel is one of my ex-employees.

3 Q. Okay. He is no longer with the casino?

4 A. He is not.

5 Q. What were the circumstances of his
6 separation?

7 A. I do not recall.

8 Q. Do you remember about when it was that
9 he separated?

10 A. No, I don't.

11 Q. Did you ever talk to him about this?

12 A. About?

13 Q. About the incident.

14 A. He -- he probably. Yeah, later on.
15 Yes. Yeah. He was another one that I talked to.
16 And he actually assisted with what turned out to
17 be Jordan, carrying his feet.

18 Q. He helped carry Jordan's feet?

19 A. Yes.

20 Q. And he was an employee you said?

21 A. Yes.

22 Q. Tell us about what security wears.
23 What were you wearing? What was Brown and Dixson
24 wearing? What did Amanda have on that night?

25 A. They are wearing black slacks with blue

1 short sleeve shirts with the Hard Rock logo and
2 security. Had security on the sleeve.

3 Q. The word security is on the front you
4 said?

5 A. It's on the sleeve.

6 Q. The word security is on the sleeve?

7 A. Yes.

8 Q. The Hard Rock emblem is on the front?

9 A. Right.

10 Q. Do they have a badge? Do they have
11 anything else that identifies them as security?

12 A. A badge. But there is a security
13 officer in uniform in the foyer that everyone has
14 to pass upon entry wearing that same uniform.

15 Q. Say that again.

16 A. There is a security officer in the
17 foyer on a regular basis for ID check purposes
18 wearing that same uniform that everyone has to
19 pass in order to enter the nightclub.

20 Q. Did that individual respond to this
21 incident?

22 A. Yes.

23 Q. And what was that individual's name?

24 A. John Dixson.

25 Q. Okay. So John Dixson had this

1 identifying -- I don't know what you call it.

2 What did you refer to it as?

3 A. The security uniform.

4 Q. The uniform. Okay. And it actually
5 identifies him as a security guard?

6 A. Yes.

7 Q. Who was the security guard that pinned
8 Jordan to the ground? You said you've seen the
9 video, right?

10 A. I did.

11 Q. Which security guard was it that pinned
12 Jordan to the ground for the timeframe?

13 A. I don't know if I would call it pinned,
14 but it was John Dixson that detained him.

15 Q. What would you call it?

16 A. He detained him or restrained him.

17 Q. Okay. We will talk about that. Have
18 you talked to any of the security guards -- let me
19 ask you this: You said you have not talked to any
20 of the security guards since this incident
21 happened?

22 MR. STEWART:

23 Object to form. Based on his prior
24 testimony, I think he's mentioned several people
25 that he talked to that night and thereafter.

1 MR. BELLINDER:

2 Q. Okay. After that evening, have
3 you talked to anybody about this?

4 A. My boss.

5 Q. Who is your boss?

6 A. Dwight Savell.

7 Q. Okay. Tell us what you told Dwight
8 about this or what you and Dwight talked about.

9 A. Explained exactly what happened in the
10 report.

11 Q. And what did he say?

12 A. As far as we could tell, everything was
13 handled good.

14 Q. Nobody was disciplined for this?

15 A. No.

16 Q. None of the security, none of the
17 Biloxi employees were disciplined in any way for
18 this incident?

19 A. I can't speak for --

20 MS. STEEL:

21 Object to the form. Biloxi employees?

22 MR. BELLINDER:

23 I'm sorry. Premier employee. You get
24 mad at me because I made a Freudian slip. I'm
25 sorry. We've got more than one -- one defendant.

1 I'm sorry.

2 Q. Any of the Premier employees, none of
3 them were disciplined as a result of this; is that
4 right?

5 A. No.

6 Q. You didn't have any participation? You
7 weren't contacted by any outside agency as it
8 relates to an investigation into this; is that
9 right?

10 A. As far as?

11 Q. Anybody else who was investigating
12 this? Nobody called you and said, Mr. Strong, we
13 want to take your statement; we want to talk to
14 you about this?

15 A. No, not that I recall.

16 Q. Did you ever talk to an individual
17 named Dorack?

18 A. Don't know the name.

19 Q. Naturally you didn't talk to him?

20 A. Not that I'm aware of.

21 Q. Didn't talk to anybody named Pennick?

22 A. Not that I'm aware.

23 Q. Did you talk to Alyssa Jordan any time
24 during or after this incident?

25 A. Not that I recall.

1 Q. Bear with me. Had you had anything to
2 drink that night?

3 A. No.

4 Q. Y'all are not allowed to drink on duty,
5 right?

6 A. That's correct.

7 Q. Same with illegal substances?

8 A. Yes.

9 Q. How about tobacco, are y'all allowed to
10 smoke or use tobacco while on the scene -- while
11 on duty?

12 A. No.

13 Q. No cigarette breaks, nothing like that?

14 A. Yes. We can take cigarette breaks.

15 Q. You can take cigarette breaks?

16 A. Yes. I don't smoke.

17 Q. Me either. Bad habit I'm glad I never
18 picked up.

19 When you arrested Chris, did you search
20 him for weapons, anything dangerous?

21 A. No.

22 Q. Never searched him?

23 A. No.

24 Q. About how long was he in your custody?

25 A. That I'm not sure. You'd have to look

1 at the video to get the exact time.

2 Q. We can look at the video to get the
3 exact time as to your detention of Chris, right?

4 A. Right. If I gave you a time right now,
5 I couldn't be exact.

6 Q. But the video would give us that exact
7 time?

8 A. Yes.

9 Q. But you're saying the video does not
10 exactly show the incident involving Chris or
11 Jason?

12 A. I didn't see that.

13 Q. Okay. Your testimony is you didn't see
14 Chris being the aggressor to Jason?

15 A. Yes.

16 Q. And so there was -- at the alleged time
17 when Chris would have been the aggressor, there
18 would have been video surveillance of that area
19 where this allegedly occurred, right?

20 A. I can't speak for surveillance.

21 Q. Typically in your experience as
22 security shift manager, this area is right in
23 front of the bar; is that right?

24 A. That depends on what right in front of
25 is.

1 Q. Well, to your knowledge and what you
2 have been told and your investigation, where did
3 the incident involving Jason and Chris take
4 place?

5 A. Well, it would have been to the -- what
6 I would refer to as the south side of the bar.

7 Q. South side of the bar.

8 A. Right. Which is almost directly in the
9 center of the club.

10 Q. South side of the bar, center of the
11 club, there would have been a camera there,
12 right?

13 A. I can't --

14 Q. In your experience, has there typically
15 been a camera that faces that area?

16 A. I believe there is a camera, yes.

17 Q. And we've got what's alleged to be
18 portions of the incident right there on tape,
19 right?

20 A. Right. Now, some of these are PTZs
21 that you speak of.

22 Q. Say that again.

23 A. Pan, tilt, and zoom cameras. So to
24 stay that they're positioned a certain way, it's
25 hard to accurately say that for anyone.

1 Q. Okay. You said pan, tilt, and zoom?

2 A. PTZ.

3 Q. That's in reference to the cameras?

4 A. Right.

5 Q. You told me a minute ago I'd have to
6 talk to surveillance about it, but you just gave
7 me a PTZ, a pan, tilt, and zoom type of camera.
8 What's your knowledge of the pan, tilt, and zoom
9 camera?

10 A. I didn't say you would have to talk to
11 them.

12 MS. STEEL:

13 Object to the form.

14 A. I know what a PTZ is.

15 MR. BELLINDER:

16 Q. How do you know?

17 A. 18 years.

18 Q. How do you know?

19 A. I just do.

20 Q. You just do?

21 A. Yes, sir.

22 Q. And what is a pan, tilt, and zoom?

23 A. A camera.

24 Q. And why is that in relevant to the
25 question I asked you about whether there would

1 have been video of what took place?

2 A. Because you asked if a specific camera
3 was on that spot and the cameras turn.

4 Q. Okay. So the camera that would have
5 been facing that would have turned?

6 A. Possibly.

7 Q. Okay. Do you know that for sure?

8 A. I don't know.

9 Q. Chris would have been removed from the
10 premises by whom? After your custody, he would
11 have been removed by?

12 A. The Biloxi police.

13 Q. Have you been made aware of any of
14 Chris' injuries after this incident?

15 A. No, sir.

16 Q. Have you been made aware of Jason's
17 injuries?

18 A. No, sir.

19 Q. Or Alyssa?

20 A. No, sir.

21 Q. No knowledge of their injuries?

22 MR. STEWART:

23 Not referring to conversations with me
24 about anything. Independent of conversations with
25 me. You can answer as to anything that someone

1 told you besides your attorneys.

2 MR. BELLINDER:

3 Or I guess it would be the attorneys
4 for the casino. The attorneys for your employer.

5 MR. STEWART:

6 That's accurate.

7 MR. BELLINDER:

8 Q. No, you have not been made aware of any
9 of their injuries; is that right?

10 A. I know that there is an allegation of
11 something.

12 Q. Okay. You would have gotten that
13 information through the lawyer for the --

14 A. Yes.

15 Q. Your arrest of Chris, he put his hands
16 behind his back to allow you to handcuff him?
17 Chris we are talking about.

18 A. Initially?

19 Q. Uh-huh.

20 A. I think he may have, but at the same
21 time he was a bit resistant. He was pulling away
22 on both sides, and one of the other guys if not
23 two of them reached in, and we had to get in a
24 position to cuff him.

25 Q. All right. There would be video of

1 that?

2 A. Yes.

3 MR. BELLINDER:

4 All right. I think I'm done.

5 MR. STEWART:

6 Do you guys have anything?

7 MS. STEEL:

8 I do. Just a few questions.

9 EXAMINATION

10 BY MS. STEEL:

11 Q. When you arrived in the area of the
12 club, Jason Jordan was on the floor, correct?

13 A. Yes.

14 Q. And did you call the area where he was
15 on the floor the corridor area?

16 A. The foyer?

17 Q. Is it the foyer or the corridor, or is
18 that two the same thing?

19 A. I'm thinking we refer to the corridor
20 as the back hallway that we are walking down
21 en route to the interview, I would refer to that
22 as the foyer every time. It's the entryway into
23 the club, security checkpoint area.

24 Q. So when the patrons were leaving the
25 club, they would have used the foyer as a means of

1 exit?

2 A. Yes.

3 Q. When you came to the area of The Ledge,
4 you came to the foyer area?

5 A. Yes.

6 Q. You did not go into the club?

7 A. No, ma'am.

8 Q. And you testified, if I understood you
9 correctly, that you did not see a wheelchair?

10 A. Right. That's correct.

11 Q. And you also testified that -- that --
12 I tried to write down what you said and you were
13 testifying about the wheelchair, and you said it
14 could have been for something else. I'm not sure.

15 A. Right.

16 Q. What did you mean by that?

17 A. Sometimes guests are intoxicated and
18 maybe some friends are there to walk them out.
19 That's always a good thing, right? So we bring
20 over a wheelchair for assistance. And that can
21 happen from time to time.

22 Q. You don't know why the wheelchair was
23 requested or who requested it; is that right?

24 A. That is correct.

25 MS. STEEL:

1 That's all I have.

2 EXAMINATION

3 BY MR. CLARK:

4 Q. I think I heard you right. You said
5 you weren't present when Biloxi PD arrived?

6 A. That's correct.

7 Q. And you weren't in the vicinity when
8 they were taking Mr. Jordan out of the casino.

9 A. No, sir.

10 Q. You didn't witness any of that?

11 A. No, sir.

12 EXAMINATION

13 BY MR. BELLINDER:

14 Q. Just to clarify. You said the foyer is
15 not a part of the nightclub?

16 A. I'm sorry.

17 Q. Did you tell her that a foyer was not a
18 part of the nightclub?

19 A. It's the entryway. The security
20 checkpoint area.

21 Q. And so how far is that in relationship
22 to the bar?

23 A. From where the fight took place?

24 Q. No. No. Where is the foyer in
25 relation to the bar?

1 A. It's probably 15, 20 feet.

2 Q. Is that whole area considered the
3 foyer?

4 A. No. It's separated by a glass wall.
5 There is a glass wall and glass doors that leads
6 out of the foyer into the club.

7 Q. Okay. So when you arrived, you were in
8 the foyer?

9 A. I was initially in the club. I came
10 out of the back hallway. Initially in the club is
11 where I made contact with Amanda, and I stepped
12 out into the foyer where Soukup was against the
13 glass wall.

14 Q. So Jordan would have been in the club,
15 and Chris would have been in the foyer?

16 A. Jordan was laying in the floor in the
17 foyer.

18 Q. How far was Jordan from the bar when
19 you got there?

20 A. About 20 feet.

21 Q. 20 feet. Okay.

22 MR. BELLINDER:

23 That's all I have got.

24 (Deposition concluded at 10:32 a.m.)

25

CERTIFICATE OF COURT REPORTER

I, Janna White, CSR #1312, do hereby
certify that the foregoing pages contain a true
and correct transcript of the testimony of the
witness as taken by me at the time and place
heretofore stated and later reduced to typewritten
form by computer-aided transcription under the
authority vested in me by the State of Mississippi
to testify to the truth and nothing but the truth
in this cause and was thereupon carefully examined
upon this oath.

I further certify that I am neither
attorney or counsel for nor related to or employed
by any of the parties to the action in which this
deposition is taken and further that I am not a
relative or employee of any attorney or counsel
employed by the parties hereto or financially
interested in the action.

Witness my signature, this the ____ day
of _____, 2014.

Janna White, CSR #1312